

MINUTE SUMMARY

Board of Directors Meeting

July 1, 2009

Start Time: 9:30 a.m.

LOCATION

**San Bernardino Associated Governments
Santa Fe Depot - SANBAG Lobby 1st Floor
1170 W. 3rd Street, San Bernardino, CA**

Board of Directors

President

Paul Eaton, Mayor
City of Montclair

Vice-President

Brad Mitzelfelt, Supervisor
County of San Bernardino

Charley Glasper, Mayor
City of Adelanto

Rick Roelle, Mayor
Town of Apple Valley

Julie McIntyre, Mayor Pro Tem
City of Barstow

Bill Jahn, Mayor Pro Tem
City of Big Bear Lake

Dennis Yates, Mayor
City of Chino

Gwenn Norton-Perry, Council Member
City of Chino Hills

Kelly Chastain, Mayor
City of Colton

Mark Nuaimi, Mayor
City of Fontana

Bea Cortes, Council Member
City of Grand Terrace

Mike Leonard, Council Member
City of Hesperia

Larry McCallon, Council Member
City of Highland

Rhodes "Dusty" Rigsby, Mayor Pro Tem
City of Loma Linda

Jeff Williams, Mayor
City of Needles

Alan Wapner, Council Member
City of Ontario

Diane Williams, Council Member
City of Rancho Cucamonga

Patricia Gilbreath, Mayor Pro Tem
City of Redlands

Ed Scott, Council Member
City of Rialto

Patrick Morris, Mayor
City of San Bernardino

Jim Harris, Council Member
City of Twentynine Palms

John Pomierski, Mayor
City of Upland

Ryan McEachron, Council Member
City of Victorville

Richard Riddell, Mayor
City of Yucaipa

William Neeb, Council Member
Town of Yucca Valley

Gary Ovitt, Supervisor
County of San Bernardino

Paul Biane, Supervisor
County of San Bernardino

Neil Derry, Supervisor
County of San Bernardino

Josie Gonzales, Supervisor
County of San Bernardino

Ray Wolfe, Caltrans
Ex-Officio Member

Deborah Robinson Barmack
Executive Director

**San Bernardino Associated Governments
County Transportation Commission
County Transportation Authority
County Congestion Management Agency
Service Authority for Freeway Emergencies**

Board of Directors

MINUTE SUMMARY

**July 1, 2009
9:30 a.m.**

**Location:
San Bernardino Associated Governments
Santa Fe Depot
SANBAG Lobby, 1st Floor
1170 W. 3rd Street, San Bernardino**

To obtain additional information on any items, please contact the staff person listed under each item. You are encouraged to obtain any clarifying information prior to the meeting to allow the Board to move expeditiously in its deliberations. Additional meeting procedures and agenda explanations are attached to the end of this agenda.

Called to Order - 9:30 a.m. by Mayor Paul Eaton

I Pledge of Allegiance

II. Attendance

**Charley Glasper, Adelanto
Rick Roelle, Apple Valley
Julie McIntyre, Barstow
Bill Jahn, Big Bear Lake
Dennis Yates, Chino
Gwenn Norton-Perry, Chino Hills
Kelly Chastain, Colton
Mark Nuaimi, Fontana
Bea Cortes, Grand Terrace
*Mike Leonard, Hesperia
Larry McCallon, Highland
Rhodes Rigsby, Loma Linda
Paul Eaton, Montclair
Jeff Williams, Needles
Alan Wapner, Ontario
Diane Williams, Rancho Cucamonga**

**Patricia Gilbreath, Redlands
Grace Vargas (Alt), Rialto
Patrick Morris, San Bernardino
Jim Harris, Twentynine Palms
John Pomierski, Upland
Rudy Cabriaes (Alt), Victorville
Richard Riddell, Yucaipa
William Neeb, Yucca Valley
*Paul Biane, County of San Bernardino
*Neil Derry, County of San Bernardino
*Brad Mitzelfelt, County of San Bernardino
*Gary Ovitt, County of San Bernardino
Ray Wolfe, Caltrans District 8
Jean-Rene Basle, SANBAG Counsel
Deborah Robinson Barmack, SANBAG**

***Departed before the Consent Calendar**

- III. **Announcements:** The meeting began with a slide presentation of SANBAG's Year in Review. Outgoing President Gary Ovitt received his SANBAG Presidential plaque. Mayor Kelly Chastain announced the receipt of the Compass Blueprint award. SANBAG Policy Committees will meet on their regularly scheduled dates. The Inland Empire Economic Recovery Corporation will hold a home foreclosure prevention seminar on July 25th, 8:00 a.m. at Cal State San Bernardino. Mobility 21 will be hosting a transportation summit on September 21st in Los Angeles. Information regarding SANBAG's sales tax revenue note issuance was made available. Mitch Alderman was introduced as SANBAG's new director of Transit and Rail Programs. Two public meetings were held in the community of Devore related to the I-15/I-215 Interchange project during the month of June.
- IV. **Agenda Notices/Modifications – Revised Agenda Item 29.**

Notes/Actions:

1. **Possible Conflict of Interest Issues for the Board Meeting of July 1, 2009** Pg. 15

***See Notes**

Note agenda item contractors, subcontractors and agents, which may require member abstentions due to conflict of interest and financial interests. Board Member abstentions shall be stated under this item for recordation on the appropriate item.

***Note the following abstentions:**

Supervisor Paul Biane submitted a Conflict of Interest form for Agenda Items 5, 16, 17 and 20 stating a disqualifying campaign contribution in excess of \$250. However, the Supervisor was not present for the vote on the Consent Calendar. He departed before action was taken.

Mayor Patrick Morris abstained on Agenda Item 5 stating a disqualifying campaign contribution in excess of \$250.

Council Member Alan Wapner abstained on Agenda Item 12 stating a financial interest of income.

Adjourned at 9:50 a.m. To:

CLOSED SESSION

Conference with Legal Counsel pursuant to
Government Code Section 54956.9(a)
Case Nos. 37-2009-00082535 and 37-2008-00079230

Reconvened at 11:00 a.m. To Regular Meeting:

Consent Calendar

Items listed on the Consent Calendar are expected to be routine and non-controversial. These items have been discussed at SANBAG Policy Committee meetings and made available for public review as noted in the agenda. The Consent Calendar will be acted upon as a single motion. Items on the Consent Calendar may be removed for discussion by Board Member Request. Items pulled from the consent calendar will be brought up under Agenda Item 31.

MOVED:
McCallon
SECOND:
Jahn
23-0-0

Administrative Matters

- | | | |
|--|--------|--|
| 2. Board of Directors Attendance Roster | Pg. 17 | Information Only |
| 3. Procurement Report for May 2009 | | |
| Receive Monthly Procurement Report. William Stawarski | | Pg. 21 |
| This item was unanimously received by the Administrative Committee on June 10, 2009. | | Information Only |
| 4. Changes to Policy 10111, Work Requirements, Leaves, and Absences | | |
| Approve changes to Policy 10111 to incorporate Military Family Medical Leave Entitlements. These are new military family leave entitlements enacted under the National Defense Authorization Act for FY 2008 and became effective January 16, 2009. Duane Baker | | Pg. 23 |
| This item was reviewed by the Administrative Committee on June 10, 2009 and has been reviewed by SANBAG Counsel. | | Approved Consent |
| 5. Purchase of Modular Workstations for SANBAG Offices | | |
| Approve Purchase Order No. P09224 with G/M Business Interiors for an amount not to exceed \$80,000 for modular workstations for positions authorized in previous budgets. Duane Baker | | Pg. 28 |
| This item was approved by the Administrative Committee on June 10, 2009. | | Approved Consent
22-0-1
ABSTAINED:
Morris
Biane (Not Present) |
| 6. Amend Employment Contract for Major Projects Special Assignments | | |
| Approve Amendment No. 1 to Contract No. C08196 with Paula Beauchamp for management of Major Project's special assignments, to increase the amount by \$226,000 for a new not to exceed total of \$450,000. Garry Cohoe | | Pg. 30 |
| This item was reviewed and unanimously recommended for approval by the Administrative Committee on June 10, 2009. SANBAG Counsel has reviewed and approved the amendment as to form. | | Approved Consent
22-1-0
OPPOSED:
Yates |

Consent Calendar Continued....**Administrative Matters (Cont.)****7. 2009 Sales Tax Revenue Note 2008/2009 and 2009/2010 Budget Amendments Pg. 36 Approved Consent**

1. Amend the 2008/2009 SANBAG Budget to reflect receipt of revenue in the amount of \$260,474,213.65 from the 2009 Sales Tax Revenue Note issuance.

2. Amend the 2008/2009 SANBAG Budget to increase the budget for Task No. 94209000 – Financial Management, by \$1,416,001.92 from 2009 Sales Tax Revenue Note.

3. Amend the 2009/2010 SANBAG Budget to change the funding source from Measure I Valley Major Projects funds to 2009 Sales Tax Revenue Note for the following tasks including encumbrances:

Task 82509000 – I-10 Corridor Project Development \$4,726,282

Task 82609000 – I-10/Cherry/Citrus Interchanges \$4,234,972

Task 86909000 – Glen Helen Parkway Grade Separation \$664,194

Task 87309000 – Valley Blvd. Grade Separation \$496,970

Task 87409000 – Palm Avenue Grade Separation \$340,860

Task 87509000 – Main Street Grade Separation \$308,126

Task 87609000 – So. Milliken Avenue Grade Separation \$703,371

Task 87709000 – Vineyard Avenue/UPRR Grade Separation \$711,856

Task 87809000 – Archibald Avenue Grade Separation \$707,671

Task 88009000 – I-15/I-215 Devore Interchange \$3,782,616

4. Retain the remaining proceeds from the 2009 Sales Tax Revenue Note in the amount of \$49,010,293.73 for capitalized interest and unallocated fund balance, pending further budget authorization.

William Stawarski

This item was reviewed by the Administrative Committee on June 10, 2009 and unanimously recommended for approval.

Regional & Quality of Life Programs**8. Alternative Fuel Grant Opportunities and Clean Cities' Coalition Pg. 39 Approved Consent**

1. Receive report and provide direction, if required, on the funding request from the Department of Energy's (DOE) Petroleum Reduction Projects for the Transportation Sector and the California Energy Commission (CEC's) Assembly Bill 118 funding; and

2. Direct Staff to develop and submit an application to the DOE requesting that SANBAG be designated as the Clean City Coalition for San Bernardino County. **Michelle Kirkhoff**

This item was reviewed and unanimously recommended for approval by the Plans and Programs Committee on June 17, 2009.

Consent Calendar Continued....

Regional & Quality of Life Programs (Cont.)

- | | | | |
|----|--|--------|------------------|
| 9. | Request for Proposal (RFP) for Freeway Service Patrol (FSP) Towing Services | Pg. 43 | Approved Consent |
|----|--|--------|------------------|

Approve the release of RFP 09214 for the provision of FSP Towing Services along Interstate (I) 10 (Beat 8) and State Route (SR) 60 (Beat 4). **Kelly Lynn**

This item was reviewed and unanimously recommended for approval by the Plans and Programs Committee on June 17, 2009. The RFP, Scope of Work and Contract have been reviewed as to form by SANBAG legal counsel, as well as the Freeway Service Patrol CHP officers.

Program Support/Council of Govts.

- | | | | |
|-----|--|--------|------------------|
| 10. | Request for Proposal for SANBAG's State Advocacy Services | Pg. 62 | Approved Consent |
|-----|--|--------|------------------|

Approve the release of a Request for Proposal (RFP) 09-223 for State Advocacy Services to be provided from October 2009 through September 2014. **Jennifer Franco**

This item was reviewed by the Administrative Committee on June 10, 2009.

Project Development

- | | | | |
|-----|---|--------|------------------|
| 11. | Appointment of Garry Cohoe, Registered Civil Engineer, to serve as SANBAG's Agency Engineer as required for federal funding applications | Pg. 65 | Approved Consent |
|-----|---|--------|------------------|

Appoint Garry Cohoe, Registered Civil Engineer, to serve as SANBAG's Agency Engineer for purposes related to the requirement of federal funding applications. **Garry Cohoe**

This item was reviewed and unanimously recommended for approval by the Major Projects Committee on June 11, 2009.

- | | | | |
|-----|---|--------|--|
| 12. | Amendment No. 5 to Contract No. 03-013 with Lim and Nascimento Engineering Corporation (LAN) for construction management services for SR 210, Segments 9-11 and I-10 East Projects | Pg. 66 | Approved Consent
22-0-1
ABSTAINED:
Wapner |
|-----|---|--------|--|

Approve Amendment No. 5 to Contract No. 03-013 with Lim and Nascimento Engineering Corporation (LAN) increasing the contract total amount from \$27,959,179 to \$28,159,179 and to extend the period of performance to June 30, 2010. **Garry Cohoe**

This item was reviewed and recommended for approval (13-0-3; Abstained: Paul Biane, Neil Derry and Alan Wapner) by the Major Projects Committee on June 11, 2009.

Consent Calendar Continued....**Project Development (Cont.)**

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|--|---------|------------------|
| 13. Amendment No. 1 to Contract No. 06-044 with Ninyo and Moore for Materials Testing Services for Interstate 215 Segments 1 and 2 in the City of San Bernardino | Pg. 73 | Approved Consent |
| <p>Approve Amendment No. 1 to Contract No. 06-044 with Ninyo and Moore for Materials Testing Services for Interstate 215 Segments 1 and 2 in the City of San Bernardino for an additional \$3,882,666.56 to increase the total contract value to \$4,350,166.56. Garry Cohoe</p> <p>This item was reviewed and unanimously recommended for approval by the Major Projects Committee on June 11, 2009.</p> | | |
| 14. Amendment No. 1 to Contract No. 06-045 with David Evans and Associates, Inc. for Construction Surveying Services for Interstate 215 Segments 1 and 2 in the City of San Bernardino | Pg. 87 | Approved Consent |
| <p>Approve Amendment No. 1 to Contract No. 06-045 with David Evans and Associates, Inc. for Construction Surveying Services for Interstate 215 Segments 1 and 2 in the City of San Bernardino for an additional \$5,392,784.44 to increase the total contract value to \$6,694,503.44. Garry Cohoe</p> <p>This item was reviewed and unanimously recommended for approval by the Major Projects Committee on June 11, 2009.</p> | | |
| 15. Cooperative Agreement No. C09-216 with the City of San Bernardino for reimbursement of sewer relocation design work for Interstate 215 Segments 1, 2 and 5 in the City of San Bernardino | Pg. 108 | Approved Consent |
| <p>Approve Cooperative Agreement No. C09-216 with the City of San Bernardino for reimbursement of sewer relocation design work up to \$300,000 for Interstate 215 Segments 1, 2, and 5 in the City of San Bernardino. Garry Cohoe</p> <p>This item was reviewed and unanimously recommended for approval by the Major Projects Committee on June 11, 2009.</p> | | |

Consent Calendar Continued....**Project Development (Cont.)**

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|--|----------------|--|
| <p>16. Amendment No. 6 to Contract No. A02-009 with AECOM for preparation of plans, specifications, and estimate for Interstate 215 Segments 1 and 2 in the City of San Bernardino</p> <p>Approve Amendment No. 6 to Contract No. A02-009 with AECOM to include the preparation of plans, specifications, and estimates for the relocation of City of San Bernardino sewer facilities for the Interstate 215 project Segments 1 and 2 increasing the amount by \$214,150, for a new total of \$16,767,071, and to extend the Period of Performance to July 31, 2009. Garry Cohoe</p> <p>This item was reviewed and recommended for approval (13-0-3; Abstained: Gary Ovitt, Paul Biane and Neil Derry) by the Major Projects Committee on June 11, 2009.</p> | <p>Pg. 114</p> | <p>Approved Consent</p> <p>Abstained:
Biane (Not Present)</p> |
| <p>17. Amendment No. 5 to Contract 04-008 with AECOM USA, Inc. (formerly DMJM+HARRIS, Inc.) for Construction Management Support services for I-215 Segment 5 in the City of San Bernardino</p> <p>Approve Amendment No. 5 to Contract 04-008 with AECOM USA, Inc. (formerly DMJM+HARRIS, Inc.) increasing the contract amount by \$220,000 for a new total of \$5,281,673.30 and extend the period of performance to December 31, 2015. Garry Cohoe</p> <p>This item was reviewed and recommended for approval (12-0-4; Abstained: Gary Ovitt, Paul Biane, Neil Derry and Josie Gonzales) by the Major Projects Committee on June 11, 2009.</p> | <p>Pg. 122</p> | <p>Approved Consent</p> <p>Abstained:
Biane (Not Present)</p> |
| <p>18. Request for Qualifications (RFQ) No. 09-203 for Interstate-10 Westbound Widening Construction Management</p> <p>Authorize staff to release Request for Qualifications (RFQ) No. 09-203 for Interstate-10 Westbound Widening Construction Management. Garry Cohoe</p> <p>This item was reviewed and unanimously recommended for approval by the Major Projects Committee on June 11, 2009.</p> | <p>Pg. 129</p> | <p>Approved Consent</p> |

Consent Calendar Continued....**Project Development (Cont.)**

19. **Approve appraisals and authorize offers for properties necessary for the Hunts Lane and Union Pacific Railroad Company (UPRR) Grade Separation Project** Pg. 164 **Approved Consent**
1. Approve appraisals of 5 parcels required for the railroad grade separation project (Project) at Hunts Lane and Union Pacific Railroad Company (UPRR) in the Cities of San Bernardino and Colton.
2. Authorize proceeding with the acquisition of 5 parcels for an estimated value of \$1,800,000. **Garry Cohoe**
- This item was reviewed and unanimously recommended for approval by the Major Projects Committee on June 11, 2009.
20. **Amendment to Contract with Best, Best & Krieger** Pg. 167 **Approved Consent**
- Approve Amendment No. 6 to Contract No. 05-016 with Best, Best & Krieger (BB&K), Attorneys at Law, to provide legal counsel for the Colonies Lawsuit and the Cactus Basin Flood Control Channel lawsuit in the amount of \$600,000 for a total contract amount of \$1,425,000. **Garry Cohoe**
- This item was reviewed and recommended for approval by the Legal Ad Hoc Committee on June 11, 2009.
- A correction was made to the last paragraph in the "Background" section. New wording should read "SANBAG insurance company is covering the legal cost of Cactus Basin and the Colonies lawsuit."**
- Abstained:
Biane (Not Present)**

Transit/Commuter Rail

21. **Loan to Mountain Area Transit Agency** Pg. 171 **Approved Consent**
1. Authorize a loan in the amount of \$506,733 from the Local Transportation Fund (LTF); and
2. Approve Agreement C10002 for the loan to Mountain Area Regional Transit Agency for the purchase of four 29', 24 passenger, wheelchair accessible buses. **Mike Bair**
- This item was reviewed by the Mountain/Desert Committee on June 19, 2009 and unanimously recommended for approval.

Consent Calendar Continued....**Transportation Programs & Fund Administration**

- | | | |
|--|---------|-----------------------------|
| 22. Allocation of Local Transportation Funds (LTF) and State Transit Assistance Funds (STA) for Fiscal Year 2009/2010

Adopt Resolution 10-001 authorizing the allocation of Local Transportation Funds (LTF) and State Transit Assistance Funds (STA) for Fiscal Year 2009/2010. Mike Bair

This item was reviewed by the Administrative Committee on June 10, 2009 and unanimously recommended for approval. | Pg. 183 | Approved Consent |
| 23. Triennial Performance Audit of the San Bernardino Associated Governments for Fiscal Years 2005/2006 thru 2007/2008

Receive the Triennial Performance Audit of the San Bernardino Associated Governments for Fiscal Years 2005/2006 thru 2007/2008 and direct staff to implement the audit recommendations. Mike Bair

This item was reviewed by Administrative Committee on June 10, 2009 and unanimously recommended for approval. | Pg. 187 | Received & Filed |
| 24. Fiscal Year 2009/2010 Transportation Development Act (TDA) Unmet Transit Needs Public Hearings

1. Adopt Definitions of "Unmet Transit Needs" and Reasonable to Meet" as identified in Attachment A.

2. Set Times, Dates and Locations for TDA Unmet Transit Needs Public Hearings. Mike Bair

This item was reviewed by the Mountain/Desert Committee on June 19, 2009 and unanimously recommended for approval. | Pg. 239 | Approved Consent |
| 25. Transportation Development Act (TDA) Triennial Performance Audits

Approve the TDA Triennial Performance Audits for Fiscal Years 2005/2006 thru 2007/2008 for the following transit agencies: Omnitrans, Victor Valley Transit Authority, Mountain Area Transit Authority, Morongo Basin Transit Authority and the Cities of Barstow and Needles. Mike Bair

This item was reviewed by the Plans and Programs Committee on June 17, 2009 and unanimously recommended for approval. | Pg. 243 | Approved Consent |

Consent Calendar Continued....**Transportation Programs & Fund Administration (Cont.)**

- | | | |
|--|---------|------------------|
| 26. Capital Project Needs Analysis (CPNA) and Measure I Capital Improvement Plans (CIPs)

Information on upcoming request for CPNAs and CIPs by SANBAG
Ty Schuiling

This item was discussed at the Comprehensive Transportation Plan Technical Advisory Committee on June 8, 2009, and was reviewed by the Plans and Programs Committee on June 17, 2009 and the Mountain/Desert Committee on June 19, 2009. | Pg. 277 | Information Only |
| | | |
| 27. Mojave Desert Air Basin (MDAB) Congestion Mitigation and Air Quality (CMAQ) Program Opportunity Notice

1) Approve the Program Opportunity Notice (PON)

2) Authorize SANBAG staff to work with MDAB jurisdictions to develop candidate project list as outlined in the PON. Ty Schuiling

This item was reviewed and unanimously recommended for approval by the Mountain/Desert Policy Committee on May 15, 2009 | Pg. 281 | Approved Consent |

DISCUSSION ITEMS**Administrative**

- | | | |
|---|---------|------------------|
| 28. Notice of Presidential Appointment to Southern California Association of Governments (SCAG) Transportation and Communications Committee (TCC)

Note Presidential Appointment of Upland Mayor John Pomierski to fill a vacancy on the SCAG Transportation and Communications Committee. Duane Baker

This item has not received prior policy committee review. | Pg. 283 | Information Only |
|---|---------|------------------|

Discussion Items Continued....

Subregional Transportation Planning & Programming Prog

29. Local Stimulus Program

Pg. 285

Approve a Local Stimulus Program that distributes \$31.4 million to the County and the cities as outlined in the ~~Recommended Funding Option below and further defined in~~ Exhibit A and B. **Duane Baker**

This item was reviewed and approved by the Major Projects Committee on June 11, 2009 and the Mountain/Desert Committee on June 19, 2009.

A Revised Agenda Item was distributed to show only recommended and specifically designated amounts and procedures for the Local Stimulus Program.

**MOVED:
Yates
SECOND:
Nuaimi
23-0-0**

Transportation Programs & Fund Administration

30. Candidate Projects for Federal Recovery Act: Transportation Investment Generating Economic Recovery (TIGER) Discretionary Program

Pg. 309

Approve the Interstate 10 Westbound Widening, Interstate 10 Auxiliary Lanes, Hunts Lane and Monte Vista grade separations as SANBAG's potential candidate projects for TIGER grant funds in partnership with Caltrans. **Ty Schuiling**

This item was reviewed and unanimously recommended for approval by the Plans and Programs Policy Committee on June 17, 2009.

Motion to approve the staff recommendation. However, based on the uncertainty of the final criteria provide staff the latitude to continue consideration of the I-10 Cherry/I-10 Citrus projects should it be determined that those projects are most likely to bring funds to San Bernardino County.

**MOVED:
Pomierski
SECOND:
Riddell
23-0-0**

Other Matters

31. Consent Calendar Items Pulled for Discussion: NONE

Comments from Board Members

Mayor Pro Tem Jahn congratulated Mayor John Pomierski on his appointment to SCAG's Transportation and Communications Committee.

Public Comments: NONE

**ADJOURNMENT at 11:25 a.m.
in Memory of Sam Maloof**

Additional Information

Agency Reports/Committee Memberships

Commuter Rail Report	Pg. 322
Mayor Pro Tem Patricia Gilbreath	
South Coast Air Quality Management Report	Pg. 325
Mayor Dennis Yates	
Mobile Source Air Pollution Reduction Review Committee (MSRC)	Pg. 327
Council Member Gwenn Norton-Perry	

SCAG Committees

Pg. 329

SCAG Regional Council
SCAG Policy Committees
Community, Economic and Human Development
Energy and Environment
Transportation and Communications

SANBAG Policy Committees

Pg. 330

Acronym List

Pg. 333

Complete packages of this agenda are available for public review at the SANBAG offices and our website: www.sanbag.ca.gov. Staff reports for items may be made available upon request. For additional information call (909) 884-8276.

Meeting Procedures and Rules of Conduct

Meeting Procedures

The Ralph M. Brown Act is the state law which guarantees the public's right to attend and participate in meetings of local legislative bodies. These rules have been adopted by the Board of Directors in accordance with the Brown Act, Government Code 54950 et seq., and shall apply at all meetings of the Board of Directors and Policy Committees.

Accessibility

The SANBAG meeting facility is accessible to persons with disabilities. If assistive listening devices or other auxiliary aids or services are needed in order to participate in the public meeting, requests should be made through the Clerk of the Board at least three (3) business days prior to the Board meeting. The Clerk's telephone number is (909) 884-8276 and office is located at 1170 W. 3rd Street, 2nd Floor, San Bernardino, CA.

Agendas – All agendas are posted at 1170 W. 3rd Street, 2nd Floor, San Bernardino at least 72 hours in advance of the meeting. Complete packages of this agenda are available for public review at the SANBAG offices and our website: www.sanbag.ca.gov. Staff reports for items may be made available upon request. For additional information call (909) 884-8276.

Agenda Actions – Items listed on both the "Consent Calendar" and "Items for Discussion" contain suggested actions. The Board of Directors will generally consider items in the order listed on the agenda. However, items may be considered in any order. New agenda items can be added and action taken by two-thirds vote of the Board of Directors.

Closed Session Agenda Items – Consideration of closed session items *excludes* members of the public. These items include issues related to personnel, pending litigation, labor negotiations and real estate negotiations. Prior to each closed session, the Chair will announce the subject matter of the closed session. If action is taken in closed session, the Chair may report the action to the public at the conclusion of the closed session.

Public Testimony on an Item – Members of the public are afforded an opportunity to speak on any listed item. Individuals wishing to address the Board of Directors or Policy Committee Members should complete a "Request to Speak" form, provided at the rear of the meeting room, and present it to the SANBAG Clerk prior to the Board's consideration of the item. A "Request to Speak" form must be completed for *each* item when an individual wishes to speak on. When recognized by the Chair, speakers should be prepared to step forward and announce their name and address for the record. In the interest of facilitating the business of the Board, speakers are limited to three (3) minutes on each item. Additionally, a twelve (12) minute limitation is established for the total amount of time any one individual may address the Board at any one meeting. The Chair or a majority of the Board may establish a different time limit as appropriate, and parties to agenda items shall not be subject to the time limitations.

The Consent Calendar is considered a single item, thus the three (3) minute rule applies. Consent Calendar items can be pulled at Board member request and will be brought up individually at the specified time in the agenda allowing further public comment on those items.

Agenda Times – The Board is concerned that discussion take place in a timely and efficient manner. Agendas may be prepared with estimated times for categorical areas and certain topics to be discussed. These times may vary according to the length of presentation and amount of resulting discussion on agenda items.

Public Comment – At the end of the agenda, an opportunity is also provided for members of the public to speak on any subject within the Board's authority. *Matters raised under "Public Comment" may not be acted upon at that meeting. The time limits established in "Public Testimony on any Item" still apply.*

Disruptive Conduct – If any meeting of the Board is willfully disrupted by a person or by a group of persons so as to render the orderly conduct of the meeting impossible, the Chair may recess the meeting or order the person, group or groups of person willfully disrupting the meeting to leave the meeting or to be removed from the meeting. Disruptive conduct includes addressing the Board without first being recognized, not addressing the subject before the Board, repetitiously addressing the same subject, failing to relinquish the podium when requested to do so, or otherwise preventing the Board from conducting its meeting in an orderly manner. *Please be aware that a NO SMOKING policy has been established for meetings. Your cooperation is appreciated!*

**SANBAG General Practices for Conducting Meetings
of
Board of Directors and Policy Committees**

Basic Agenda Item Discussion.

- The Chair announces the agenda item number and states the subject.
- The Chair calls upon the appropriate staff member or Board Member to report on the item.
- The Chair asks members of the Board/Committee if they have any questions or comments on the item. General discussion ensues.
- The Chair calls for public comment based on “Request to Speak” forms which may be submitted.
- Following public comment, the Chair announces that public comment is closed and asks if there is any further discussion by members of the Board/Committee.
- The Chair calls for a motion from members of the Board/Committee.
- Upon a motion, the Chair announces the name of the member who makes the motion. Motions require a second by a member of the Board/Committee. Upon a second, the Chair announces the name of the Member who made the second, and the vote is taken.

The Vote as specified in the SANBAG Bylaws.

- Each member of the Board of Directors shall have one vote. In the absence of the official representative, the alternate shall be entitled to vote. (Board of Directors only.)
- Voting may be either by voice or roll call vote. A roll call vote shall be conducted upon the demand of five official representatives present, or at the discretion of the presiding officer.

Amendment or Substitute Motion.

- Occasionally a Board Member offers a substitute motion before the vote on a previous motion. In instances where there is a motion and a second, the maker of the original motion is asked if he would like to amend his motion to include the substitution or withdraw the motion on the floor. If the maker of the original motion does not want to amend or withdraw, the substitute motion is not addressed until after a vote on the first motion.
- Occasionally, a motion dies for lack of a second.

Call for the Question.

- At times, a member of the Board/Committee may “Call for the Question.”
- Upon a “Call for the Question,” the Chair may order that the debate stop or may allow for limited further comment to provide clarity on the proceedings.
- Alternatively and at the Chair’s discretion, the Chair may call for a vote of the Board/Committee to determine whether or not debate is stopped.
- The Chair re-states the motion before the Board/Committee and calls for the vote on the item.

The Chair.

- At all times, meetings are conducted in accordance with the Chair’s direction.
- These general practices provide guidelines for orderly conduct.
- From time-to-time circumstances require deviation from general practice.
- Deviation from general practice is at the discretion of the Board/Committee Chair.

Courtesy and Decorum.

- These general practices provide for business of the Board/Committee to be conducted efficiently, fairly and with full participation.
- It is the responsibility of the Chair and Members to maintain common courtesy and decorum.

Adopted By SANBAG Board of Directors January 2008